

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

UNITED STATES OF AMERICA, )

Plaintiff, )

v. )

Criminal Action No. 10- 119

P.P. LIST MANAGEMENT, INC. AND )

TRANSMONDE U.S.A., INC., )

Defendants. )

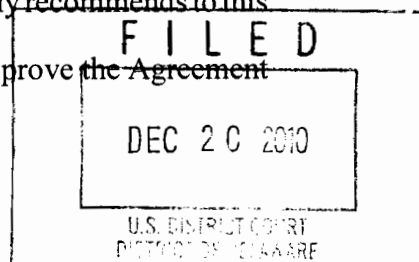
**JOINT MOTION FOR APPROVAL OF DEFERRED PROSECUTION AGREEMENT  
AND EXCLUSION OF TIME UNDER THE SPEEDY TRIAL ACT**

The United States Attorney's Office for the District of Delaware ("USAO") and Defendants P.P. LIST MANAGEMENT, INC. and TRANSMONDE U.S.A., INC., by their respective attorneys, move this Court for the entry of an Order approving the attached Deferred Prosecution Agreement and for the exclusion of an 18-month period in computing the time within which any trial must be commenced upon the charge contained in the Information filed against Defendants, pursuant to Title 18, United States Code, Section 3161(h)(2) of the Speedy Trial Act.

1. On December 16, 2010, the parties entered into a written Deferred Prosecution Agreement, a true and correct copy of which is attached hereto as Exhibit 1 (hereinafter, “the Agreement”). The purpose of the agreement is to allow the Defendants to demonstrate good conduct.

2. In paragraph 2 of the Agreement, the Defendants agreed to waive indictment and agreed to the filing of a one count Information in this Court charging them with an offense under 18 U.S.C. § 1341. Pursuant to paragraph 2 of the Agreement, the USAO filed the Information with the clerk of this Court. A true and correct copy of the Information is attached hereto as Exhibit 2.

3. Pursuant to paragraph 9 of the Agreement, the USAO respectfully recommends to this Court, pursuant to Title 18, United States Code, Section 3161(h)(2), that it approve the Agreement



and that a prosecution of the Defendants on the Information filed pursuant to paragraph 2 of the Agreement be deferred for a period of 18 months.

4. The Defendants hereby join in and consent to this motion and do not oppose a continuance of all further criminal proceedings, including initial appearance and trial, for a period of 18 months, for speedy trial exclusion of all time covered by such a continuance, and for approval by the Court of this deferred prosecution.


5. The Defendants have, pursuant to paragraph 20 of the Agreement, hereby agreed to waive all rights to a speedy trial pursuant to the Sixth Amendment of the United States Constitution, Title 18, United States Code, Section 3161, Federal Rule of Criminal Procedure 48(b), and any applicable Local Rules of the United States District Court for the District of Delaware for the period that this Agreement is in effect.

6. The USAO has agreed in paragraph 10 of the Agreement that if Defendants are in compliance with all of their obligations under the Agreement, within 30 days of the expiration of the Agreement, it will seek dismissal with prejudice of the Information filed against the Defendants pursuant to paragraph 2 of the Agreement.

WHEREFORE, the USAO and the Defendants respectfully request that this Court enter an Order approving the Agreement and continuing all further criminal proceedings, including initial appearance and trial, for a period of 18 months, excluding the 18-month period in computing the time within which any trial must be commenced upon the charge contained in the Information, pursuant to Title 18, United States Code, Section 3161(h)(2). A proposed Order is attached for the convenience of the Court.

Respectfully submitted,

DAVID C. WEISS  
United States Attorney

  
Christopher J. Burke  
Assistant United States Attorney

Dated: *December 20, 2010*

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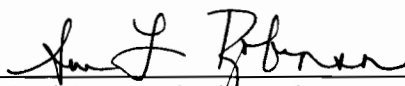
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**ORDER**

AND NOW, this 3d day of January, 2011, after a review of the Joint Motion for Approval of Deferred Prosecution Agreement, the written Deferred Prosecution Agreement, the Statement of Facts, and the Information filed in this matter, the Court hereby finds that the period of delay set forth in paragraph 9 of the written Deferred Prosecution Agreement is for the purpose of allowing the Defendants to demonstrate their good conduct. Accordingly, the Court approves of the written Deferred Prosecution Agreement. Because the period of delay set forth in paragraph 9 of the written Deferred Prosecution Agreement is for the previously stated purpose, it is hereby,

ORDERED that such 18-month period be and hereby is EXCLUDED from the computation of time within which trial on the charge set forth in the Information filed in this matter must commence pursuant to Title 18, United States Code, Section 3161(h)(2), and that all further proceedings, including initial appearance and trial are accordingly continued.

  
United States District Judge